Title: **DISCIPLINE OF CIVILIAN PERSONNEL**

Effective Date: JUNE 1, 2005 | Rescinds: 300-14, FEB. 2001 | No: 300-14 |

| A D M | N | S T R A T | V F P R O C F D U R F

I. PURPOSE

The purpose of this procedure is to establish guidelines for supervision and disciplinary actions involving Lansing Police Department civilian employees.

II. DEFINITIONS

- A. **Full Working Day:** Monday through Friday (excluding weekends and holidays) from 0800-1700 hours (8 full-duty hours).
- B. **Working Day:** Monday through Friday (excluding weekends and holidays), may be less than 8 full-duty hours.
- C. **Employee:** A person working as a full-time employee with the Department.
- D. **Chief of Police:** May include an Assistant Chief at the discretion of, or in the absence of, the Chief of Police.
- E. **Aggrieved Person:** any person who appears from a complaint to have suffered injury, harm, humiliation, indignity, or any other damage as a result of an action by an employee of the LPD.
- F. **Formal Discipline:** Disciplinary action as defined by the current appropriate collective bargaining agreement.
- G. **Temporary Relief of Duty:** To temporarily relieve an employee of his/her normal duty assignment. The employee shall continue to be paid and may either perform a departmental function other than his/her normal duty function or be totally relieved of all departmental functions.
- H. **Administrative Duty/Leave:** Is used when Department employees are not able or authorized to continue in their current work assignment due to circumstances involving their job. Administrative Duty allows employees to remain in a productive work environment and still be available for necessary follow-up investigations into the events they were involved in.

- I. **Suspension:** To suspend an employee of all departmental functions. During a period of suspension an employee shall be relieved of his/her duty badge (if issued), Departmental identification and Departmental weapon(s). A suspended employee shall not wear any identifiable part of the official police department uniform.
- J. **Suspension With Pay:** To suspend but continue to pay an employee.
- K. **Suspension Without Pay:** To suspend and no longer pay an employee.
- L. **Disciplinary Suspension:** To suspend an employee without pay as part of a disciplinary action.
- M. **Counseling Notation:** Documentation, such as counseling statements, placed in the employee's personnel file by a supervisor when a performance issue has been addressed with the employee. When documentation is given, the employee shall be informed:
 - 1. that it is a notation not discipline,
 - 2. it will be placed in the employee's personnel file, and
 - 3. that more harsh action may be taken for a repeated act or omission.
- N. **Compounding:** the process to elevate a violation classification from a lower class to the next higher class or to a higher step within the same class.

III. NOTIFICATION, DISCIPLINE, AND RELIEF OF DUTY

Notification, discipline, and relief of duty shall be conducted in accordance with the civilian employee's applicable bargaining unit contract.

IV. EMPLOYEE RESPONSIBILITIES DURING RELIEF OF DUTY

- A. An employee temporarily relieved of duty shall be responsible for court attendance, medical/fitness for duty examination(s), and other duties as directed by the Chief/designee.
- B. An employee temporarily relieved of duty shall:
 - 1. immediately surrender his/her badge (if issued), departmental identification, and all other departmental property deemed necessary by the Chief of Police/designee,
 - 2. not wear any identifiable part of the official police department uniform, and
 - 3. remain available for contact or interview purposes.

V. ADMINISTRATIVE DUTY/LEAVE

An employee may be relieved of duty and placed on Administrative Duty/Leave. See Operational Procedure 300-11, *Administrative Duty*, for guidelines relating to Administrative Duty.

VI. EMPLOYEE RESPONSIBILITIES DURING SUSPENSION

- A. An employee who is suspended shall be responsible for court attendance, medical/fitness for duty examination(s), and other duties as directed by the Chief/designee.
- B. An employee suspended shall:
 - 1. immediately surrender his/her badge (if any), departmental identification, and all other departmental property deemed necessary by the Chief of Police/designee,
 - 2. not wear any identifiable part of the official police department uniform, and
 - 3. remain available for contact or interview purposes.

VII. DISCIPLINARY CHARGE SHEET

- A. When a complaint is sustained and formal discipline is contemplated, the Office of Internal Affairs shall complete a *Disciplinary Charge Sheet* and forward it to the employee's immediate supervisor.
- B. In cases involving a sustained complaint where formal discipline is not recommended, a *Disciplinary Charge Sheet* may be used to document the Counseling Notation.
- C. Time limitations for employee notification vary depending upon the applicable collective bargaining contract. The applicable contract should be consulted in this regard.
- D. If the supervisor has reason to recommend discipline for an infraction, the *Disciplinary Charge Sheet* shall be completed and submitted with the *Citizen/Police Complaint Form*.
- E. The *Disciplinary Charge Sheet* shall contain the following:
 - 1. Internal Affairs Complaint Number.
 - 2. Name, rank, badge number, and unit of the charged employee.
 - 3. Name, rank, badge number, and unit of the charging employee.
 - 4. Detailed summary of the violation; including the date, time, and location.
 - 5. The specific rule, regulation, procedure, directive and/or order violated, cited in full,

with corresponding title and numerical reference.

- 6. Recommended disciplinary sanction by the charging supervisor.
- 7. The chain of review notations.
- 8. The final disciplinary sanction, as determined by the Chief of Police/designee.
- 9. Space allowing for the notification of the charged employee including; date, time, signature of charged employee, and signature of notifying supervisor.
- 10. Space for the charged employee's signature acknowledging receipt of the disciplinary sanction.

VIII. CHAIN OF REVIEW FOR DISCIPLINARY ACTION

- A. When a complaint has been sustained, the case file with the charge sheet shall be forwarded to the accused employee's supervisor for recommendation of an appropriate disciplinary sanction. The supervisor may attach an explanation for their recommended sanction. The charge sheet is forwarded to the next level for review.
- B. When the complaint is forwarded to the next level for review, the receiving command officer shall:
 - 1. Attach a letter stating the reasons for any nonconcurrence and the revised disciplinary sanction recommendation.
 - 2. Forward the entire case to the next level of review.
 - 3. If the supervisor at the next level is unavailable for review, the case shall be forwarded to the next level.
 - 4. The review process shall be complete in fifteen (15) full working days or less in compliance with applicable collective bargaining agreements.
- C. If any supervisor believes further investigation is needed, they shall so state in writing and petition the Chief to have the investigation reopened. Command officers or supervisors may request assistance from Internal Affairs at any stage of the investigation.
- D. When one or more charges are sustained, the LPD Discipline Matrix (see APPENDIX I) will serve as a guide to determine the appropriate sanction.
- E. A sanction recommendation that steps outside the Matrix guidelines must include a detailed explanation of specific mitigating and/or aggravating factors considered.

- F. The Chief of Police shall be the final level in the chain of review for terminations.
- G. At the request of the Assistant Chief/designee, Internal Affairs shall review all completed investigations and ensure the proper completion of the case file.

IX. PRE-DETERMINATION CONFERENCE

- A. The Assistant Chief/designee shall conduct a pre-determination conference in all disciplinary cases where the contemplated discipline involves a suspension (i.e., levels 3 and 4 in the LPD Discipline Matrix). In the event the Assistant Chief is not available to conduct a pre-determination hearing, the Chief of Police may conduct the hearing and render a decision.
- B. The charged employee shall be notified by Internal Affairs personnel of the conference date, time, and location.
- C. The employee shall be advised that they may have union representation at the conference.
- D. The responsibility of the Assistant Chief/designee, at the pre-determination conference shall include:
 - 1. Assuring that the employee receives an explanation of the proposed sanction and a copy of the complaint and charge sheet.
 - 2. Providing the employee with the opportunity to respond to the charges, or provide any additional relevant information before a final disciplinary sanction is imposed.
 - 3. Imposing the disciplinary sanction, according to Section X., below, when the employee does not respond or provide any additional relevant information.
 - 4. Consulting with the chain of review before implementing the disciplinary sanction according to Section X., below, in the event that the employee does provide additional relevant information.

X. PRESENTATION OF CHARGE SHEET

- A. The Assistant Chief/designee shall present the charge sheet to the charged employee advising the employee of the infraction committed and the discipline to be imposed. Time limits vary depending on the employee's bargaining unit. The applicable contract should be consulted in this regard.
- B. The charged employee shall certify in writing that notification of the disciplinary action has been received.

- C. If the employee does not respond within the time limit designated by the Assistant Chief/designee, the disciplinary sanction shall be imposed.
- D. A copy of the *Disciplinary Charge Sheet* including all letters of nonconcurrence shall be furnished to the charged employee by the Assistant Chief/designee.

NOTE: In cases where formal discipline is a recommended sanction, Communications Center personnel will also be presented with a *City of Lansing Notice of Disciplinary Action Form*.

E. The Assistant Chief/designee shall forward the entire case file to the Office of Internal Affairs.

XI. APPEAL TO THE CHIEF OF POLICE

An employee may appeal the disciplinary decision of the Assistant Chief to the Chief of Police. Requests for appeal shall be made in writing to the Chief of Police within 5 calendar days from the date the employee is notified of the Assistant Chief's decision. The request shall state whether the employee intends to contest the appropriateness of the charge and/or the appropriateness of the sanction.

XII. TERMINATIONS

The Chief of Police shall conduct pre-determination hearings and render decisions in disciplinary cases for which the contemplated charge involves termination. In the event the Chief of Police is not available, the Assistant Chief may conduct the hearing and render a decision.

XIII. OFFICE OF INTERNAL AFFAIRS RECORDS

- A. The Office of Internal Affairs will be the custodian of all disciplinary records and follow the procedure outlined below.
- B. All files and reports of internal investigations conducted by the Office of Internal Affairs or by other personnel of this Department are confidential files. They are intended for the exclusive use of the Chief of Police/designee. Actual files, photostats, or abstracts may be released to persons outside the Department only upon the specific approval of the Chief of police/designee or under court order.

- C. The Office of Internal Affairs' records of cases and/or incidents shall be maintained and/or purged pursuant to Departmental policy, union contracts, and applicable local, state, and federal laws and regulations.
- D. Internal Affairs records' for cases and/or incidents in which a lawsuit has been filed will be retained until the case has been adjudicated.

Adopted by the Board of Police Commissioners on April 8, 2005.